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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,790	12/07/2001	Hideyuki Mori	116692001000	7892
25227	7590	01/04/2007	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			ALLEN, WILLIAM J	
			ART UNIT	PAPER NUMBER
			3625	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/04/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/004,790	MORI ET AL.	
	Examiner	Art Unit	
	William J. Allen	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 October 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,5,6,12,15,19,20,26,29,30 and 43 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-2, 5-6, 12, 15, 19-20, 26, 29-30 and 43 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 07 December 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Prosecution History Summary

Claims 1-2, 5-6, 12, 15, 19-20, 26, 29-30 and 43 are pending and rejected as set forth below.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/20/2006 has been entered.

Response to Arguments

Applicant's arguments filed 10/20/2006 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claim 43 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Regarding claim 43, Claims to computer-related inventions that are clearly nonstatutory fall into the same general categories as nonstatutory claims in other arts, namely natural phenomena such as magnetism, and abstract ideas or laws of nature which constitute “descriptive material.” Abstract ideas, Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759, or the mere manipulation of abstract ideas, Schrader, 22 F.3d at 292-93, 30 USPQ2d at 1457-58, are not patentable. Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” In this context, “functional descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of “data structure” is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) “Nonfunctional descriptive material” includes but is not limited to music, literary works and a compilation or mere arrangement of data. Both types of “descriptive material” are nonstatutory when claimed as descriptive material per se. Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since

use of technology permits the function of the descriptive material to be realized.

The preamble of claim 14 should resemble the following:

A computer program product stored on a computer readable medium, said computer
program product comprising executable software effective to...

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 2, 15, 29 - 30 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiecha (US 5870717) in view Sharma et al. (US 20010037259) and in further view of Manchala (US 6405178).**

Regarding claim 1 and related claims 15, 29 and 43, Wiecha teaches a method and system of receiving and handling an order from a customer using an order-reception system, which is comprised of at least one computer and has an order-reception Subsystem, business management subsystem and order-entry subsystem, comprising the steps of:

registering, by the order-entry subsystem, price information designating a price of a commodity, in a database of the business management system (see at least Col. 1 lines 65-67, Col 3, lines 14 – 17, Col 5 lines 48-50 and Figures 6, 7 and 12);

creating, by the order-reception subsystem, an order form for purchasing commodities and catalog, based on the price information (see at least Col 3, lines 14 – 28, Col 4, lines 14 – 40 and lines 48 – 55);

registering by the order-reception subsystems sales-promotion information to be displayed sales-promotion materials and inquiry information to be displayed as O&A information's;

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storing, in a sales-information database comprising a storage by the order-reception subsystem, Bulletin Board System information to be posted on a Bulletin Board System style page according to date and classification; the registered sales-promotion information to be displayed as sales-promotion materials according to date and classifications' and the registered inquiry information to be displayed as the O&A information according to date, context and maker;

displaying by the order-reception subsystem the Bulletin Board System information on the Bulletin Board System style pages

displaying by the order-reception subsystem, the sales-promotion materials; receiving- by the order-reception subsystems customer order information sent from the customer, said customer order information including customer information regarding the customer and at least one of ordering information representing contents of an order for a commodity ordered by the customer and support request information representing contents of a support request;

performing- by the order-reception subsystem. the order reception processing based on the received customer order information;

determining by the order-reception subsystems to deliver the commodity specified in the ordering information and to provide a support specified in the support information, based on a result of the order reception processing;

wherein the support request includes information regarding for at least one of: a service for delivering the commodity to a place specified by the customer; a service for unpacking the ordered commodity at time of delivery; a service for collecting an empty box that the customer

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does not need any more; a service for delivering commodities that are repeatedly supplied to the customer on a FIFO basis; a service for specifying a delivery date for delivering the commodity to be delivered; a service for urgently delivering the ordered commodity; and a service for periodically delivering a constant number of commodities specified by the customer (see at least: col. 10 lines 4-6, col. 12 lines 6-10 (note shipping date, address, location, etc.)); and charging by the order-reception subsystem a price of the commodity specified in the ordering information and a cost of the support specified in the support request information, based on the customer information including information regarding a price of each commodity purchased by the customer with high frequency and a cost of each support requested by the customer with high frequency, wherein the price and the cost are set by a seller of the commodity and support (see at least Abstract, Col 4, lines 14 –41, Col 5, lines 30 – 53, Col 8, lines 14 – 22, Col 9, lines 48 – 49, Col 10, lines 39 – 42, Col 12, lines 6 – 20 and Figures 3, 7, 8 and 12).

It is additionally noted that supplier catalogs are provided to “promote” their products and catalogs are thereby considered to be sales promotion information. In turn, this promotion information is stored in the method and system of Wiecha for retrieval and display for the purchaser to browse and purchase. Once the purchaser selects the product or service, the PO is processed by the business/legacy systems (i.e. order reception subsystem) of Wiecha and the appropriate charge for the product is applied to the appropriate internal budget (business management subsystem)[see at least Figures 6 and 7]. In turn, the PO is sent to the supplier, who acknowledges and updates the purchaser regarding status of the order. Moreover, Wiecha discloses multiple subsystems including an order reception subsystem (Figure 7). Furthermore, Wiecha discloses updates to the catalog/sales promotion information are received from suppliers

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in order to keep sales promotion information such as price set by the supplier to keep current (Col 5, lines 51 - 53). Also please note that the steps of registering, storing, displaying and receiving are merely transmitting, storing, displaying and receiving data, which is considered to be non functional descriptive material (MPEP 2106). For example, the storing of the Bulletin Board System style sheet and following recitation regarding the Bulletin Board System information is considered to be non-functional descriptive material, which is given very little patentable weight. The phrase(s) and or word(s) after storing are given little patentable weight because the claim language limitation is considered to be non-functional descriptive material, which does not patentably distinguish the applicant's invention from Wiecha. Thereby, the non-fictional descriptive material is directed only to the content of the information stored (Bulletin Board System information) and therefore does not affect either the structure or method/process of Wiecha, which leaves the method and system unchanged.

Though Wiecha teaches all of the above as noted, Wiecha does not expressly teach confirming, by the order-reception system, whether the commodity is delivered and the support is provided; and obtaining, by the order-reception subsystem, statistics based on the customer information and the customer order information of each of a plurality of customers and updating the customer information and the customer order information with the calculated statistics.

In the same field of endeavor, Sharma teaches a consumable commodities purchasing system for an office purchaser or homeowner to regularly reorder supplies using a profile on the

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administrator's website (see at least: abstract). More specifically, Sharma teaches *obtaining statistics based on the customer information and the customer order information of each of a plurality of customers and updating the customer information and the customer order information with the calculated statistics* (see at least: 0007, 0024-0027, 0056-0057). It would have been obvious to one of ordinary skill in the art at the time of invention to have included obtaining, by the order-reception subsystem, statistics based on the customer information and the customer order information of each of a plurality of customers and updating the customer information and the customer order information with the calculated statistics as taught by Sharma in order to provide a system that eases the managing of general office supplies as well as supplies specific to the business. This means a single point of ordering supplies, which results in a reduction in transaction costs and an increase in the efficiency of the supply chain mechanism (see at least: Sharma, 0027).

To the same accord, Manchala teaches a system for automatically ordering consumable supplies (see at least: abstract). Manchala further teaches where delivery is confirmed and inventory is updated by reading information on the goods and automatically updating inventory once the goods have arrived at the destination (see at least: col. 5 lines 3-7). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Wiecha to have included *confirming, by the order-reception system, whether the commodity is delivered and the support is provided* as taught by Manchala in order to provide a total solution for electronic commerce that is also tied to inventory management, email filtering and rule based

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authorization to purchase goods with allowances for price changes (see at least: Manchala, col. 3 lines 20-25).

Regarding claim 2 and related claim 30, Wiecha in view of Sharma in further view of Manchala further teaches a method and system further including steps of checking by the order-entry subsystem whether there is a stock of the commodity specified in the ordering information based on stock information; determining by the order-entry subsystem a delivery date for delivering the ordered commodity; and sending by the order-entry subsystem order-reception confirmation information including delivery date information representing the determined delivery date and the customer information to the customer either in a facsimile form or e-mail form (see at least: Manchala, Abstract, Col 1, lines 39 – 42, Col 5, lines 3 – 7).

5. Claims 5 – 6 and 19 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Wiecha in view of Sharma in further view of Manchala as applied to claim 1 above, and further in view of Moreno (US 6882269).

The combination of Wiecha in view of Sharma in further view of Manchala substantially teaches the applicant's invention.

However the combination does not specifically disclose and teach a method, wherein the support request information includes information regarding a request for collecting recyclable items including at least one of a used cartridge, a used toner container and used paper

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nor a method and system wherein the order reception system is further comprised of a delivery subsystem; and further comprising the step of arranging, by the delivery subsystem, collection of used paper, in response to a support request for collecting used paper from the customer when a used paper collection box provided to the customer is filled with used paper.

Regarding claim 5 and related claim 19, Moreno teaches a method, wherein the support request information includes information regarding a request for collecting recyclable items including at least one of a used cartridge, a used toner container and used paper (Figure 1 and 3). [Note: Though Moreno does not explicitly teach recyclable items, Moreno does disclose collecting items in general. In that regard, it would have been obvious to one of ordinary skill in the arts to extend items with recyclable items]. Thereby, these additional items can be included, which will increase the number of items collected.

Regarding claim 6 and related claim 20, the recitation that method further including the step of arranging collection of used paper, in response to a support request for collecting used paper from the customer when a used paper collection box provided to the customer is filled with used paper”, such recitation is given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant invention from the other “collecting” already disclosed by Moreno.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Wiecha in view of Sharma in further view of Manchala with the

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method and system of Moreno to have enabled a method and system wherein the support request information includes information regarding a request for collecting recyclable items including at least one of a used cartridge, a used toner container and used paper. The combination of Wiecha and Manchala disclose a method and system as recited in claim 1. In turn, Moreno discloses a method and system wherein the support request information includes information regarding a request for collecting recyclable items including at least one of a used cartridge, a used toner container and used paper (Abstract and Figures 1 and 3).

6. Claims 12 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Wiecha in view of Sharma in further view of Manchala as applied to claims 1, 15, and 29 above, and further in view of Sawada (US 6,141,507).

The combination of Wiecha in view of Sharma in further view of Manchala substantially teaches the applicant's invention.

However, the combination does not specifically disclose and teach a method and system further comprising the steps of: assigning, by the order reception subsystem in a case where the customer has made a contract of maintenance service for an of a plurality of apparatus including OA apparatuses, a delivery of the commodity to a service person who can execute the maintenance service when it is determined to deliver the commodity specified in the ordering information; and determining by the order reception subsystem to execute a maintenance service

based on the maintenance contract at a time of delivering the commodity, based on the customer information and customer order information.

Regarding claim 12 and related claim 26, Sawada teaches a method and system, further comprising the steps of: assigning, by the order reception subsystem in a case where the customer has made a contract of maintenance service for one of a plurality of apparatus including OA apparatuses, a delivery of the commodity to a service person who can execute the maintenance service when it is determined to deliver the commodity specified in the ordering information; and determining to execute a maintenance service based on the maintenance contract at a time of delivering the commodity, based on the customer information and customer order information (Col 1, lines 18 – 24 and Col 2, lines 26 – 34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Wiecha in view of Sharma in further view of Manchala with the method and system of Sawada to have enabled a method and system further comprising the steps of: assigning, by the order reception subsystem in a case where the customer has made a contract of maintenance service for one of a plurality of apparatus including OA apparatuses, a delivery of the commodity to a service person who can execute the maintenance service when it is determined to deliver the commodity specified in the ordering information; and determining by the order reception subsystem to execute a maintenance service based on the maintenance contract at a time of delivering the commodity, based on the customer information and customer order information. The combination of Wiecha and Manchala disclose a method and system for

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receiving a customer order, performing the order reception processing, delivery confirmation and charging a price for the delivered commodity and or service. Sawada discloses a method and system further comprising the steps of: assigning, in a case where the customer has made a contract of maintenance service for one of a plurality of apparatus including OA apparatuses, a delivery of the commodity to a service person who can execute the maintenance service when it is determined to deliver the commodity specified in the ordering information; and determining to execute a maintenance service based on the maintenance contract at a time of delivering the commodity, based on the customer information and customer order information (Col 1, lines 18 – 24 and Col 2, lines 26 – 34). Therefore, one of ordinary skill in the art would have been motivated to extend the combination of Wiecha and Manchala with a method and system further comprising the steps of: assigning, in a case where the customer has made a contract of maintenance service for one of a plurality of apparatus including OA apparatuses, a delivery of the commodity to a service person who can execute the maintenance service when it is determined to deliver the commodity specified in the ordering information; and determining to execute a maintenance service based on the maintenance contract at a time of delivering the commodity, based on the customer information and customer order information.

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Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 5305199 discloses a consumable supplies monitoring/ordering system for reprographic equipment
- US 6321221 discloses a system, method and article of manufacture for increasing the user value of recommendations
- US 7010502 discloses a system and method for keeping consumable items in an image forming apparatus

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443. The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



YOGESH C. GARG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600

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William J. Allen
Patent Examiner
December 27, 2006